

BEFORE THE STATE ENGINEER OF OREGON

IN THE MATTER OF AN AMENDMENT)
TO PERMIT NO. 408)

O R D E R

On application of the United States Reclamation Service by B. E. Stouteymer, District Counsel, the matter of an amendment to Permit No. 408 comes before the State Engineer for consideration.

This permit was granted on September 13, 1910 and covered the use of 600 second feet of water from the Umatilla River together with water to be stored under Application No. 13, Permit No. 51 for the irrigation of 59,850 acres. The development under said permit contemplated a diversion from the Umatilla River within the ~~REPLINE~~, Section 32, Township 4 North, Range 28 East, W.M.

Subsequent to the granting of said permit, a determination was made of the relative rights to the use of waters of the Umatilla River and its tributaries and certain of the lands described in said permit were decreed rights from the Umatilla River with priorities earlier than 1909, when this original application of the Reclamation Service was filed with the State Engineer. The Reclamation Service has also entirely abandoned the proposed reservoir to be constructed under Permit No. R-51 and authorized the cancellation of said permit. In lieu thereof, it has constructed the McKay Reservoir on McKay Creek and is now utilizing water stored in said reservoir for the irrigation of a part of the lands described under said Permit No. 408.

It has been the actual practice to irrigate a portion of these lands in the West Extension of the Umatilla Project from the return flow to the Umatilla River above the point of diversion for said lands, which return flow is from the canal and reservoir construction of the Hermiston division of said project and results directly therefrom; the waters used on said upper division of said Project, and returned to Umatilla River above said point of diversion, will be from the stored and natural flow of said river used in the irrigation of the lands of said upper division and should be so considered.


In the pending application for amendment to this permit, the Reclamation Service has given descriptions of all of the irrigable land in what is known as the West Extension of the Umatilla project with the exception of those lands with decreed rights. The total area proposed to be described in the amended permit is 14,473 acres. A description of these lands in tabulated form and also maps on tracing linen showing the location of such lands and the works constructed or proposed to be constructed have been furnished to the State Engineer and are now on file in his office. The application for amendment asks that in addition to the revised land descriptions, that the amendment show the diversion point in the SW¹/₄ SW²/₄, Section 28, Township 5 North, Range 28 East, W.M. instead of the diversion point as described in the original application.

No tabulation of lands is made in this order, but specific reference is made to the amended map filed by the Reclamation Service on May 12, 1928, and said map is to be considered as a part hereof.

It appearing that this amendment, if granted, will actually constitute a reduction in the number of acres to be irrigated under said Permit No. 408 and that no injury will result to other appropriators by reason of these amended descriptions or the change in the point of diversion from that described in the original permit to the point where the canal is actually constructed.

It is therefore ORDERED that the amendment as herein outlined be granted and that said Permit No. 408 as the same appears of record in Permit Book No. 2 at page 408 be modified in accordance herewith.

IN WITNESS WHEREOF I have hereunto set my hand this 8th day of June, 1928


Rhea Luper,
State Engineer.